

These minutes have been approved by the Board on 8.3.2020

MINUTES OF THE CONFERENCE CALL MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
May 4, 2020

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Vicki Criswell, at 10:30 a.m., in Lower Level Room B, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

Members Present (10):

The following members answered roll call:

Shannon Bingham, Member
Vicki Criswell, Chair
Jacqueline Hornig, Member
Melanie Judkins, Member
Ruth Lucas, Member
Marie Nordboe, Member
Becky Pettigrew, Member
Brandy Phillips, Member
Pam Rowland, Secretary
Harold "Buddy" Sims, Member

Members Absent (1):

Bridget Anderson, Vice-Chair

Others Present via Conference Call:

Kris Chiles, Program Manager, Licensure Unit
Heidi Weiland, Health Licensing Specialist, Licensure Unit
Anna Harrison, Compliance Monitor, Licensure Unit
Natalee Hart, Assistant Attorney General
Rachel O'Toole, DHHS Attorney
Kathleen Krueger – DHHS Investigator

A quorum was present and the meeting convened.

10:31 a.m. - Anderson entered the meeting

Members welcomed the new nail technology member to the board, Harold "Buddy" Sims. Buddy has past experiences with the board and legislature.

2. ADOPTION OF AGENDA

MOTION: Pettigrew moved, seconded by Rowland, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

3. APPROVAL OF MINUTES – 4.6.2020

MOTION: Pettigrew moved, seconded by Rowland, to accept the minutes as written for 4.6.2020. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

4. COVID-19: CLOSURES, PRESS RELEASES, and 2020 LEGISLATIVE SESSION UPDATE

<https://nebraskalegislature.gov/> (Session postponed)

Chiles provided information:

- Closures: PSI - closed all testing sites, link can be found on the cosmetology licensure home page.
- DHM's: Find the most up to date Directed Health Measure (DHM) on the cosmetology licensure home page. She advised to contact the local county health department as they may have different DHM guidelines.
- 4.29.20, Governor Rickett's issued a less restrictive DHM which would allow salons to reopen in Lincoln-Lancaster County, West Central and Three Rivers health districts on 5.11.20.
- Salons allowed to reopen as of 5.4.2020 include the following counties,
 - Douglas County Health Dept.
 - Sarpy/Cass Dept. of Health
 - East Central District Health Dept.
 - Four Corners Health Dept.
 - Loup Basin Public Health Dept.
 - North Central District Health Dept.
 - Northeast Nebraska Public Health Dept.
 - Panhandle Public Health District
 - Southeast District Health Dept.
 - Southwest Nebraska Public Health District

Counties not mentioned have not received details on reopening dates from the governor.

Sims had a question regarding reopening of salons that are suite style with private rooms and booth style salons. The facilities have tall ceilings, look like cubicles, the walls don't go to the ceiling. The ventilation is centralized and there no individual air control in the areas. What are the rules for these type of establishments? Chiles – The governor has established "Get Nebraska Growing" taskforce which are creating reopening guidelines for salons and barbers. Criswell was part of this taskforce as others in the community of this industry to help create good guidelines for reopening. Judkins was a taskforce member for the body art profession. These guidelines are recommended to be followed but not mandated. Staff and clients must wear masks at all times, abide by the 10 person rule and maintain 6 foot distance when necessary. These guidelines should be available later this afternoon.

Criswell – regarding the salons with cubicles, she recommended changing the air filter in the air conditioner often and taking items out of the area such as magazines. Judkins wanted to make sure there the guidelines specified what was 'suggested' rules or were 'mandated' rules. Chiles advised they were working on the specifications over the weekend and hoping by this afternoon they will be posted to the Cosmetology website.

Judkins – people are confused of the 10 person limit. She stated it is 10 patrons at a time (not including staff) so facility owners will need to get creative. Employees can work part time, different shifts, review the facility and determine how to stay within the guidelines.

Sims – If salon owners have questions, who do they contact, DHHS? Chiles advised to contact her, she provided the DHHS.Licensure2117@nebraska.gov email. She is hoping once the taskforce document has been released that many questions will be answered. If anyone still has questions about the document, to please contact the email above. Chiles also noted the document will address what needs to be posted in the facility to maintain health and safety.

Rowland inquired about the dates to change for reopening. Chiles advised the DHMs could change several times until the emergency has been lifted. Nordboe stated the facilities are open as of today and we need these guidelines now for facilities to open.

Judkins – has attending zoom sessions with others in her industry. There aren't any guidelines to be followed at this time but people in the same industry need to talk amongst each other, continue sanitation, PPE (personal protective equipment) – research the best ways in your profession to keep you and your clients safe and health as Covid will be around for a while.

Criswell stated there are different phases of reopening facilities. Phase I is from May 4th – 30th, phase II June 1st - June 30th, phase III and IV will be established depending on the how this virus develops. Services that require you to take a mask off will need to be discontinued. Judkins noted no piercing or tattooing on the nose or mouth.

Sims – asked about if a client holds a mask to their face with one loop around one ear and alternating sides. Chiles advised to review the guidelines when they are released. Criswell advised nostrils and mouth can never be exposed.

Public – inquired about open station and separate suite salons, how do they count the 10 person limit. Chiles stated people need to be aware of the clients in waiting areas, possibly wait outside until the appointment time, coming alone or only the child/parent.

Sims – Something to think about is complete shut off the area you are working such as closing the door to the spa area.

Rowland – People have been following what doctor's offices are doing by waiting in their cars and they are called inside when the doctor is ready.

Chiles – Examples such as these will be addressed in the document from the taskforce.

Bingham – If someone tells them someone is practicing without a license or out of their scope of practice, if they report this information, is it confidential?

Chiles – If anyone is providing services in violation of the DHM, the following are guidelines for reporting these individuals. 1) file a complaint with our office, sending information to DHHS.Licensure2117@nebraska.gov 2) contact the local health department and 3) if the individual or facility is not licensed, this would need to be reported to the investigation office at 402-471-0175.

Rowland – Is the taskforce recommending taking temperatures of their clients? Chiles advised this information may be in the guidance document. Bingham thought it was against HIPAA and not in their scope to take a temperature. Judkins stated other states are putting a suggestion of taking temperatures of clients.

Criswell – Have the CE requirements changed due to the COVID? Chiles stated the Executive Order 20-10 addressed that the department is not enforcing a limit on how many on-line or home study courses you can take during this state of emergency. When the governor lifts the emergency, the current regulations will be in force.

Public – Does a gathering include employees? How do we maintain 6 foot distance? Sims – with our profession it's difficult to abide by those guidelines, he believed the 6 foot distance is in regards to client to client contact. It is really important to wear the masks, do the proper hand washing, extra measures of sanitation and stagger stations/employee shifts. Bingham has a salon employing 18 individuals. They have been doing roleplaying to determine how to handle particular situations, address any sanitation issues so they will be ready for clients.

Public – if a client has tested positive, does it get traced back to our salon? Pettigrew advised to pre-screen clients the day before for symptoms. Nordboe advised to make sure you have up to date phone number for all clients in case there is spread of the COVID through your salon. Contact the county health department. Judkins asked if they prescreen a client and they have had a positive test for COVID do they need a doctor's note to get services? Sims stated Wal-Mart had several individuals test positive but they kept operating but eventually shut the store down. Chiles – for guidance on testing, what you need to know to protect yourself and others, please contact the COVID hotline, found on our website home page at DHHS.ne.gov or call 402-552-6645.

Public – inquired about hair blowdrying. Criswell stated it will be addressed in the guidelines document, it's recommended, no mandated to eliminate the spread of the virus. This will lessen the opportunity of the virus to spread. Phillips – if someone is in a one chair salon, 1:1 ratio, can they do hair blow drying? Criswell stated we need to treat a client as if they are infected and taking all necessary precautions. PM – if we are all wearing

masks at all times, why can't we blow dry? Criswell – this is not mandated, just a guideline for health and safety.

Pettigrew – in regards to tracing COVID back a salon, check with your insurance company, some salons aren't covered if COVID is found traced back to your salon. Sims – Waivers are being signed, that should be in place to protect the clients and salons. Judkins – in her experience, if a question is asked several times in a waiver then it should hold up in court but contact your attorney for clarification.

Lucas – people are making masks, is it a "false security" to not spread the virus. This doesn't completely eliminate your risk of getting COVID.

Public – is there particular cleaning products to use? Do we need to eliminate items in the retail area?

Pettigrew – place clear plastic over retail items. Criswell – use EPA sanitation products. Chiles advised the guidance document will discuss retail items, items that could be touched frequently. Judkins – the CDC has details of which surfaces hold the virus and determine what to eliminate for the spread of the virus.

Pettigrew – if you need CE's, take advantage of the free training, bloodborne pathogens class, classes regarding barbicide. Posting your regulations/guidance documents in your salon in plastic coverings to be washed frequently.

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Pettigrew moved, seconded by Rowland, to enter into closed session at 11:51 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Criswell repeated the motion and purpose. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

11:51 a.m. – Krueger and O'Toole departed the meeting

Criswell declared the meeting return to open session at 12:22 p.m. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

6. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

- Applications, Convictions and Reinstatements

Convictions:

Elsa Whittaker, Body Piercer

MOTION: Anderson moved, seconded by Nordboe, to defer the board's recommendation and request further information. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Fantasya Tucker, Nail Technician

MOTION: Anderson moved, seconded by Pettigrew, to recommend a 6-month probation, successfully pass the jurisprudence examination within the first 90 days of issuance, and standard probationary terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: (0). Abstain: (0), Vacant positions (2). Motion carried.

Alicia Godsey, Permanent Color Technician

MOTION: Pettigrew moved, seconded by Nordboe, to recommend a 6-month probation, successfully pass the jurisprudence examination within the first 90 days of issuance, and standard probationary terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Judkins, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Absent: (0). Vacant positions (2). Motion carried.

7. ADJOURNMENT

Criswell announced the next meeting is scheduled on 6.1.20. There are two vacancies on the board. Contact Monica Geisler if you are interested. Criswell declared the meeting adjourned at 12:30 p.m.

Ssubmitted,

Pamela Rowland, Secretary,
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by:
Heidi Weiland, Health Licensing Coordinator, Licensure Unit